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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,958	03/19/2004	Chanh C. Vo	HE0222	9176
21495 7590 06/15/2007 CORNING CABLE SYSTEMS LLC C/O CORNING INC., INTELLECTUAL PROPERTY DEPARTMENT SP-TI-3-1 CORNING, NY 14831				
			EXAMINER CHIEM, DINH D	
			ART UNIT 2883	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,958

Applicant(s)

VO ET AL.

Examiner

Erin D. Chiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-12, 17-21, 23, 24, 28, 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12, 17-21, 23, 24, 28, 29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's request for continued examination filed on March 29, 2007. Currently, claims 5-6, 13-16, 22, 25-27, and 30 are canceled. Claims 1-4, 7-12, 17-21, 23-24, 28-29, and 31 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-4, 8, 11-12, 17-21, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Neill et al. (US 5,218,664).

In terms of claims **1-4, 17, 20-21, and 28-29**, O'Neil teaches a splice pedestal comprising a base (Fig. 1; '12' '21' '24' and see also Fig. 7), a housing (10) positioned over the base, a distribution cable (9) received within the interior cavity, a plate (26) secured to one of the housing and the base and operable for separating the interior cavity into a first compartment (not explicitly drawn but explained in col. 2, lines 52-57) disposed within the housing and a second compartment (21). A splice tray (24), means for interconnecting. Furthermore, a plate (26) sealing the first compartment relative to the second compartment and the gel is only filled from (21) to (25), which is the first compartment and the second compartment is substantially free of a gel encapsulant material.

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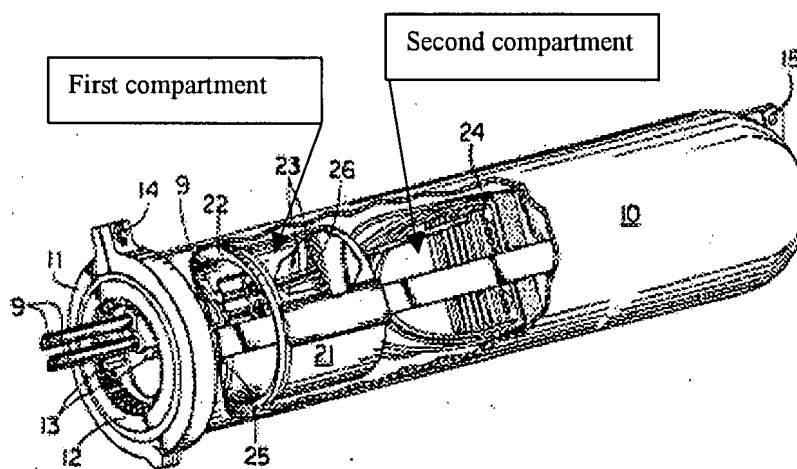
Regarding claims 8, 11-12, and 18-19 the “plate” is referred to as “circular areas” by O’Neill; wherein the circular areas joined together to form a plate sealing the first compartment relative to the second compartment. The second compartment creates a bell jar effect when the housing (10) is positioned over the base to further seal the interior cavity relative to the ambient atmosphere.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-10, 23-24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over O’Neil et al. (US Patent 5,218,664) in view of Saito (US 5,649,042)



O’Neil teaches a splice pedestal comprising a base (Fig. 1; ‘12’ ‘21’ ‘24’ and see also Fig. 7), a housing (10) positioned over the base, a distribution cable (9) received within the

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interior cavity, a plate (26) secured to one of the housing and the base and operable for separating the interior cavity into a first compartment (not explicitly drawn but explained in col. 2, lines 52-57) disposed within the housing and a second compartment (21). A splice tray (24), means for interconnecting. Furthermore, a plate (26) sealing the first compartment relative to the second compartment and the gel is only filled from (21) to (25), which is the first compartment and the second compartment is substantially free of a gel encapsulant material.

However, O'Neil does not explicitly teach the limitation of a pre-connectorized cable.

Saito teaches a cable distribution shelf or closure employs preconnectorized cable for the purpose of preventing entanglement of the optical fiber cables (col. 1, lines 36-52).

Since O'Neil and Saito are both from the same field of endeavor, the purpose disclosed by Saito would have been recognized in the pertinent art of O'Neal.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ preconnectorized cable to separate the cables and preventing entanglement of the cables. The motivation employing preconnectorized cable is to prevent the cables from intertwined with one another causing bent in the fiber leading to signal loss of the fiber transmission. By maintaining the cable at a minimal bent using preconnectorized cable, signal loss caused by bent in entangled cables is prevented.

Response to Arguments

Applicant's arguments filed March 29, 2007 have been fully considered but they are not persuasive.

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Applicant's only arguments are:

- Applicant argues the amended limitation in claims 1 and 28, "wherein the second compartment is substantially free of a gel encapsulant material" overcame the prior art of O'Neill.
- Applicant argues the amended limitation of claim 17 "wherein the interior cavity is substantially free of a gel encapsulant material" overcame the prior art of O'Neill.

Examiner's responses are:

- Examiner has defined her consideration of the first and second compartment (see figure incorporated in rejection above). The first compartment extends from element 21 to 25 wherein plate 26 separates the first compartment from the second compartment. O'Neill teaches that the gel is filled from the portion of element 21 to 25, which is examiner's defined "first compartment". Thus, the second compartment is free of a gel encapsulant.
- O'Neill's prior art also reads upon the amended limitation of "wherein the interior cavity is substantially free of a gel encapsulant material." The second compartment (see the incorporated figure in the rejection above) is from element 26 to the end portion that is closer to the dome of the capsule is considered the "interior cavity."

Therefore, Examiner considers O'Neill's prior art reads upon the amendment of claims 1, 17, and 28. The rejection is therefore maintained.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Erin D Chiem
Examiner
Art Unit 2883



Frank G. Font
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